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December 8, 2017

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street SW
Washington, DC 20554

RE: WC Docket No. 17-108

Dear Ms. Dortch:

On Wednesday, December 6th, Sarah Morris, Director of Open Internet Policy at New America's Open Technology Institute ("OTI"), and I met with Travis Litman, Commissioner Rosenworcel's Chief of Staff and Senior Legal Advisor, Wireline and Public Safety; and Kate Black, her Policy Adviser, Media; to discuss matters in the above-captioned docket.

This summary of an oral *ex parte* presentation is timely filed, pursuant to Section 1.1206(b)(2)(iii) of the Commission's rules, as the presentation was made outside of the Sunshine period and this notification is due within two days after it was made.

Ms. Morris and I briefly mentioned the dubious legal classification decisions and policy missteps contemplated in the draft order circulated on Wednesday, November 22nd. To that end, our discussion summarized the contents of a series of written *ex parte* submissions subsequently filed in this docket on Thursday, December 7th, by Free Press and OTI.

Those filings included four submissions by OTI or by its attorneys at the Georgetown Law Institute for Public Representation, on the following topics:

- the proper treatment of DNS and caching, in light of broadband internet access service's ("BIAS") appropriate classification as a telecommunications service;
- internet users' and edge providers' reliance interests in retaining the current open internet rules and legal framework;
- the various problems with the Commission's preemption claims made in the draft order circulated in this docket; and
- OTI's response to the latest Section 706 *Notice of Inquiry*, showing that mobile BIAS is a complement to rather than substitute for fixed BIAS connections.

Free Press submitted two written filings on December 7th, including:

- an explanation of the Commission's failure to provide any notice of its proposal to base transparency rules on purported authority in Section 257 of the Act;
- a letter from press freedom and free expression advocacy organizations explaining the importance of retaining the current open internet rules and legal framework.

Each of these six filings is attached to this notification, providing more comprehensive and voluminous detail on each of those topics than we covered during the meeting.

Respectfully submitted,

Matthew F. Wood
Policy Director
Free Press

cc: Travis Litman
Kate Black